

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GUI MING LI, HANG JIAN CHI, GUO PING LI,
HAO MIN CHEN, GUI XIANG DONG, CHUEN
MUI CHAN, GUI FANG CHEN, JIAN XIA CHEN,
JIAN ZHONG CHEN, JUAN CHEN, SHU HUA
CHEN, XIANG LAN CHEN, XIANG WEI CHEN,
YUE LAN CHEN, CHUN FENG CHI, SIEW YOON
CHUNG, ZHAO YU DONG, SUM KONG LAU,
GUO RONG LI, JIAN DE LI, JIE LI, QUAN DI LI,
SAI HANG LI, WEI LI, WEN ZHOU LI, HONG BIN
LIN, LI YUN LIN, LIANG YUN LIN, WAN RONG
LIN, XIN WEI LIN, JIAN HUA LIN, XUE HUA
LIN, JING XING LIU, MEI JUAN MO, YI DI QUI,
XIAO MEI WANG, ZHEN HUO WENG, XIU YING
WENG, JI YOU, XIU YUE YU, LI XIAN ZHANG,
SHU BAO ZHAO, YI JUAN ZHENG.

:Case No: 07 CV 2601
:
:
:
:
:
:AMENDED
:ANSWER AND
:AFFIRMATIVE DEFENSES

Plaintiffs,

-against-

2875 RESTAURANT INC. d/b/a OLLIE'S NOODLE SHOP & GRILLE, MAY KWAN SI, INC. d/b/a OLLIE'S NOODLE SHOP & GRILLE, 1160 THIRD AVENUE FOOD SERVICE, INC d/b/a OLLIE'S NOODLE SHOP & GRILLE, TSU Y. WANG, CHIH CHOU YU a/k/a TSU ZHOU YU, JIN LONG CHEN, JIN HUANG CHEN a/k/a JIN CHEN HUANG, RONG LIN ZHU, HANG CHENG CHEN,

Defendants.

Defendants 2875 Restaurant Corp. d/b/a Ollie's Noodle Shop & Grille ("Defendant 2875"), May Kwan Si, Inc. d/b/a Ollie's Noodle Shop & Grill ("Defendant May Kwan Si"), 1160 Third Avenue Food Service, Inc. d/b/a Ollie's Noodle Shop & Grille ("Defendant 1160"), Tsu Y. Wang ("Defendant Wang"), Chih Chou Yu a/k/a Tsu Zhou Yu ("Defendant Yu"), Guin Loung Cheng, incorrectly named herein as "Jin Long

Chen” (“Defendant Cheng”), Tommy Lung Ling Chu, incorrectly named herein as “Rong Lin Zhu” (“Defendant Chu”), and Han Cheng Chen (“Defendant Chen”) (collectively “Represented Defendants”), by and through their attorneys Snow Becker Krauss P.C., for their Amended Answer to the Complaint of Plaintiffs hereby state as follows:

1. No response is required to the allegations set forth in Paragraph “1” of the Complaint as they call for a legal conclusion.

2. Represented Defendants deny the allegations set forth in Paragraph “2” of the Complaint to the extent any Represented Defendant has knowledge of any Plaintiff’s employment or working hours.

3. Represented Defendants deny the allegations set forth in Paragraph “3” of the Complain to the extent any Represented Defendant has knowledge of any Plaintiff.

4. Represented Defendants deny the allegations set forth in Paragraph “4” of the Complaint to the extent any Represented Defendant has knowledge of any Plaintiff.

5. Represented Defendants deny each and every allegation contained in Paragraph “5” of the Complaint except to admit that Plaintiffs assert various claims.

“AS TO JURSIDICTION AND VENUE”

6. Represented Defendants admit the allegations set forth in Paragraph “6” of the Complaint.

7. Represented Defendants admit the allegations set forth in Paragraph “7” of the Complaint.

8. Represented Defendants admit the allegations set forth in Paragraph "8" of the Complaint.

"AS TO PLAINTIFFS"

9. Defendants 2875, Wang and Yu deny the allegations set forth in Paragraph "9" of the Complaint except admit that Plaintiff Gui Ming Li is presently employed by Defendant 2875. Defendants May Kwan Si, 1160, Cheng, Chu and Chen deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "9" of the Complaint.

10. Defendants 2875, Wang and Yu deny the allegations set forth in Paragraph "10" of the Complaint except admit that Plaintiff Hang Jian Chi was employed by Defendant 2875. Defendants May Kwan Si, 1160, Cheng, Chu and Chen deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "10" of the complaint.

11. Defendants 2875, Wang and Yu deny the allegations set forth in Paragraph "11" of the Complaint except admit that Plaintiff Guo Ping Li was employed by Defendant 2875. Defendants May Kwan Si, 1160, Cheng, Chu and Chen deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "11" of the Complaint.

12. Defendants May Kwan Si, Wang, Chu and Chen deny the allegations set forth in Paragraph "12" of the Complaint except admit that Plaintiff Hao Min Chen was employed by Defendant May Kwan Si. Defendants 2875, Yu, 1160 and Cheng deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "12" of the Complaint.

13. Defendants May Kwan Si, Wang, Chu and Chen deny the allegations set forth in Paragraph "13" of the Complaint except admit that Plaintiff Gui Xiang Dong was employed by Defendant May Kwan Si. Defendants 2875, Yu, 1160 and Cheng deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "13" of the Complaint.

14. Defendants May Kwan Si, Wang, Chu and Chen deny the allegations set forth in Paragraph "14" of the Complaint except admit that Plaintiff Chuen Mui Chan was employed by Defendant May Kwan Si. Defendants 2875, Yu, 1160 and Cheng deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "14" of the Complaint.

15. Defendants 2875, Wang and Yu deny the allegations set forth in Paragraph "15" of the Complaint except admit that Plaintiff Gui Fang Chen was employed by Defendant 2875. Defendants May Kwan Si, 1160, Cheng, Chu and Chen deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "15" of the Complaint.

16. Defendants 2875, Wang and Yu deny the allegations set forth in Paragraph "16" of the Complaint except admit that Plaintiff Jian Xia Chen was employed by Defendant 2875. Defendants May Kwan Si, Wang, Chu and Chen deny the allegations set forth in Paragraph "16" of the Complaint except admit that Plaintiff Jian Xia Chen was employed by Defendant May Kwan Si. Defendants 1160 and Cheng deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "16" of the Complaint.

17. Defendants May Kwan Si, Wang, Chu and Chen deny the allegations set forth in Paragraph "17" of the Complaint except admit that Plaintiff Jian Zhong Chen was employed by Defendant May Kwan Si. Defendants 2875, Yu, 1160 and Cheng deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "17" of the Complaint.

18. Defendants 2875, Wang and Yu deny the allegations set forth in Paragraph "18" of the Complaint except admit that Plaintiff Juan Chen was employed by Defendant 2875. Defendants May Kwan Si, Wang, Chu and Chen deny the allegations set forth in the Paragraph "18" of the Complaint except admit that Plaintiff Juan Chen was employed by Defendant May Kwan Si. Defendants 1160 and Cheng deny knowledge or information sufficient form a belief as to the truth or falsity of the allegations set forth in Paragraph "18" of the Complaint.

19. Defendants 2875, Wang and Yu deny the allegations set forth in Paragraph "19" of the Complaint except admit that Plaintiff Shu Hua Chen is presently employed by Defendant 2875. Defendants May Kwan Si, 1160, Cheng, Chu and Chen deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "19" of the Complaint.

20. Defendants 2875, Wang and Yu deny the allegations set forth in Paragraph "20" of the Complaint except admit that Plaintiff Xian Lan Chen was employed by Defendant 2875. Defendants May Kwan Si, 1160, Cheng, Chu and Chen deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "20" of the Complaint.

21. Defendants 2875, Wang and Yu deny the allegations set forth in Paragraph "21" of the Complaint except admit that Plaintiff Xiang Wei Chen is presently employed by Defendants 2875. Defendants May Kwan Si, 1160, Cheng, Chu and Chen deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "21" of the Complaint.

22. Defendants 2875, Wang and Yu deny the allegations set forth in Paragraph "22" of the Complaint except admit that Plaintiff Yue Lan Chen was employed by Defendant 2875. Defendants May Kwan Si, 1160, Cheng, Chu and Chen deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "22" of the Complaint.

23. Defendants 2875, Wang and Yu deny the allegations set forth in Paragraph "23" of the Complaint except admit that Plaintiff Chun Feng Chi was employed by Defendant 2875. Defendants May Kwan Si, Wang, Chu and Chen deny the allegations set forth in Paragraph "23" of the Complaint except admit that Plaintiff Chun Feng Chi was employed by Defendant May Kwan Si. Defendants 1160 and Cheng deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "23" of the Complaint.

24. Defendants May Kwan Si, Wang, Chu and Chen deny the allegations set forth in Paragraph "24" of the Complaint except admit that Plaintiff Siew Yoon Chung was employed by Defendant May Kwan Si. Defendants 2875, Yu, 1160 and Cheng deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "24" of the Complaint.

25. Defendants 2875, Wang and Yu deny the allegations set forth in Paragraph "25" of the Complaint except admit that Plaintiff Zhao Yu Dong is presently employed by Defendant 2875. Defendants May Kwan Si, 1160, Cheng, Chu and Chen deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "25" of the Complaint.

26. Defendants 1160, Wang and Cheng deny the allegations set forth in Paragraph "26" of the Complaint except admit that Plaintiff Sum Kong Lau was employed by Defendant 1160. Defendants 2875, Yu, May Kwan Si, Chu and Chen deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "26" of the Complaint.

27. Defendants 2875, Wang and Yu deny the allegations set forth in Paragraph "27" of the Complaint except admit that Plaintiff Guo Rong Li is presently employed by Defendant 2875. Defendants May Kwan Si, 1160, Cheng, Chu and Chen deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "27" of the Complaint.

28. Defendants 2875 and Yu deny the allegations set forth in Paragraph "28" of the Complaint. Defendants May Kwan Si, Wang, Chu and Chen deny the allegations set forth in Paragraph "28" of the Complaint except admit that Plaintiff Jian De Li was employed by Defendant May Kwan Si. Defendants 1160 and Cheng deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "28" of the Complaint.

29. Defendants 2875, Wang and Yu deny the allegations set forth in Paragraph "29" of the Complaint except admit that Plaintiff Jie Li is presently employed

by Defendant 2875. Defendants May Kwan Si, 1160, Cheng, Chu and Chen deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "29" of the Complaint.

30. Defendants 2875, Wang and Yu deny the allegations set forth in Paragraph "30" of the Complaint except admit that Plaintiff Quan Di Li is presently employed by Defendant 2875. Defendants May Kwan Si, 1160, Cheng, Chu and Chen deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "30" of the Complaint.

31. Defendants May Kwan Si, Wang, Chu and Chen deny the allegations set forth in Paragraph "31" of the Complaint except admit that Plaintiff Sai Hang Li was employed by Defendant May Kwan Si. Defendants 2875, Yu, 1160 and Cheng deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "31" of the Complaint.

32. Defendants 2875, Wang and Yu deny the allegations set forth in Paragraph "32" of the Complaint except admit that Plaintiff Wei Li was employed by Defendant 2875. Defendants May Kwan Si, 1160, Cheng, Chu and Chen deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "32" of the Complaint.

33. Defendants 2875, Wang and Yu deny the allegations set forth in Paragraph "33" of the Complaint. Defendants May Kwan Si, Wang, Chu and Chen deny the allegations set forth in Paragraph "33" of the Complaint except admit that Plaintiff Wen Zhou Li was employed by Defendant May Kwan Si. Defendants 1160 and Cheng

deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "33" of the Complaint.

34. Defendants 2875, Wang and Yu deny the allegations set forth in Paragraph "34" of the Complaint except admit that Plaintiff Hong Bin Lin was employed by Defendant 2875. Defendants May Kwan Si, 1160, Cheng, Chu and Chen deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "34" of the Complaint.

35. Defendants May Kwan Si, Wang, Chu and Chen deny the allegations set forth in Paragraph "35" of the Complaint except admit that Plaintiff Jian Hua Lin was employed by Defendant May Kwan Si. Defendants 2875, Yu, 1160 and Cheng deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "35" of the Complaint.

36. Defendants 2875, Wang and Yu deny the allegations set forth in Paragraph "36" of the Complaint except admit that Plaintiff Li Yun Lin was employed by Defendants 2875. Defendants May Kwan Si, 1160, Cheng, Chu and Chen deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "36" of the Complaint.

37. Defendants 1160, Wang and Cheng deny the allegations set forth in Paragraph "37" of the Complaint except admit that Plaintiff Liang Yun Lin was employed by Defendant 1160. Defendants 2875, Yu, May Kwan Si, Chu and Chen deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "37" of the Complaint.

38. Defendants 2875, Wang and Yu deny the allegations set forth in Paragraph "38" of the Complaint except admit that Plaintiff Wan Rong Lin is presently employed by Defendant 2875. Defendants May Kwan Si, 1160, Cheng, Chu and Chen deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "38" of the Complaint.

39. Defendants 2875, Wang and Yu deny the allegations set forth in Paragraph "39" of the Complaint except admit that Plaintiff Xin Wei Lin is presently employed by Defendant 2875. Defendants May Kwan Si, 1160, Cheng, Chu and Chen deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "39" of the Complaint.

40. Defendants May Kwan Si, Wang, Chu and Chen deny the allegations set forth in Paragraph "40" of the Complaint except admit that Plaintiff Xue Hua Lin Liu was employed by Defendant May Kwan Si. Defendants 2875, Yu, 1160, Wang and Cheng deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "40" of the Complaint.

41. Defendants 1160, Wang and Cheng deny the allegations set forth in Paragraph "41" of the Complaint except admit that Plaintiff Jing Xiang Liu was employed by Defendant 1160. Defendants 2875, Yu, May Kwan Si, Chu and Chen deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "41" of the Complaint.

42. Defendants 2875, Wang and Yu deny the allegations set forth in Paragraph "42" of the Complaint except admit that Plaintiff Mei Juan Mo is presently employed by Defendant 2875. Defendants May Kwan Si, 1160, Cheng, Chu and Chen

deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "42" of the Complaint.

43. Defendants 2875, Wang and Yu deny the allegations set forth in Paragraph "43" of the Complaint except admit that Plaintiff Yi Di Qiu was employed by Defendant 2875. Defendants May Kwan Si, 1160, Cheng, Chu and Chen deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "43" of the Complaint.

44. Defendants 2875, Wang and Yu deny the allegations set forth in Paragraph "44" of the Complaint except admit that Plaintiff Xiao Mei Wang was employed by Defendant 2875. Defendants 1160, Wang and Cheng deny the allegations set forth in Paragraph "44" of the Complaint except admit that Plaintiff Xiao Mei Wang was employed by Defendant 1160. Defendants May Kwan Si, Chu and Chen deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "44" of the Complaint.

45. Defendants May Kwan Si, Wang, Chu and Chen deny the allegations set forth in Paragraph "45" of the Complaint except admit that Plaintiff Zhen Huo Weng was employed by Defendant May Kwan Si. Defendants 2875, Yu, 1160 and Cheng deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "45" of the Complaint.

46. Defendants 1160, Wang and Cheng deny the allegations set forth in Paragraph "46" of the Complaint except admit that Plaintiff Xiu Ying Weng was employed by Defendant 1160. Defendants 2875, Yu, May Kwan Si, Chu and Chen deny

knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "46" of the Complaint.

47. Defendants 2875, Wang and Yu deny the allegations set forth in Paragraph "47" of the Complaint except admit that Plaintiff Ji You was employed by Defendants 2875. Defendants May Kwan Si, 1160, Cheng, Chu and Chen deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "47" of the Complaint.

48. Defendants 2875, Wang and Yu deny the allegations set forth in Paragraph "48" of the Complaint except admit that Plaintiff Xiu Yue Yu was employed by Defendant 2875. Defendants May Kwan Si, 1160, Cheng, Chu and Chen deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "48" of the Complaint.

49. Defendants 2875, Wang and Yu deny the allegations set forth in Paragraph "49" of the Complaint. Defendants May Kwan Si, Wang, Chu and Chen deny the allegations set forth in Paragraph "49" of the Complaint except admit that Plaintiff Li Xian Zhang was employed by Defendant May Kwan Si. Defendants 1160 and Cheng deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "49" of the Complaint.

50. Defendants 2875, Wang and Yu deny the allegations set forth in Paragraph "50" of the Complaint except admit that Plaintiff Shu Bao Zhao is presently employed by Defendant 2875. Defendants May Kwan Si, 1160, Cheng, Chu and Chen deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "50" of the Complaint.

51. Defendants 1160, Wang and Cheng deny the allegations set forth in Paragraph "51" of the Complaint except admit that Plaintiff Yi Juan Zhen was employed by Defendant 1160. Defendants 2875, Yu, May Kwan Si, Chu and Chen deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "51" of the Complaint.

"AS TO OLLIE'S 84th STREET DEFENDANTS"

52. Defendants 2875 and Wang admit the allegations set forth in Paragraph "52" of the Complaint. Defendants Yu, May Kwan Si, Chu, Chen, 1160 and Cheng deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "52" of the Complaint.

53. Defendants 2875, Wang and Yu deny the allegations set forth in Paragraph "53" of the Complaint. Defendants May Kwan Si, Chu, Chen, 1160 and Cheng deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "53" of the Complaint.

54. Defendants 2875, Wang and Yu admit the allegations set forth in Paragraph "54" of the Complaint. Defendants May Kwan Si, Chu, Chen, 1160 and Cheng deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "54" of the Complaint.

55. Defendants 2875 and Wang admit the allegations set forth in Paragraph "55" of the Complaint. Defendants Yu, May Kwan Si, Chu, Chen, 1160 and Cheng deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "55" of the Complaint.

56. Defendants 2875 and Wang admit the allegations set forth in Paragraph "56" of the Complaint. Defendants Yu, May Kwan Si, Zhu, Chen, 1160 and Cheng deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "56" of the Complaint.

57. Defendants 2875, Wang and Yu admit the allegations set forth in Paragraph "57" of the Complaint. Defendants May Kwan Si, Chu, Chen, 1160 and Cheng deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "57" of the Complaint.

58. Defendants 2875, Wang and Yu admit the allegations set forth in Paragraph "58" of the Complaint. Defendants May Kwan Si, Chu, Chen, 1160 and Cheng deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "58" of the Complaint.

59. No response is required to the allegations set forth in Paragraph "59" of the Complaint as they call for a legal conclusion.

60. No response is required to the allegations set forth in Paragraph "60" of the Complaint as they call for a legal conclusion.

61. No response is required to the allegations set forth in Paragraph "61" of the Complaint as they call for a legal conclusion.

62. No response is required to the allegations set forth in Paragraph "62" of the Complaint as they call for a legal conclusion.

"AS TO OLLIE'S 44th STREET DEFENDANTS"

63. Defendants May Kwan Si and Wang admit the allegations set forth in Paragraph "63" of the Complaint. Defendants 2875, Yu, Chu, Chen, 1160 and Cheng

deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "63" of the Complaint.

64. Defendants May Kwan Si and Wang deny the allegations set forth in Paragraph "64" of the Complaint except admit that the principal executive office is currently 131-58 Maple Avenue. Defendants 2875, Yu, Chu, Chen, 1160 and Cheng deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "64" of the Complaint.

65. Defendants May Kwan Si, Wang, Chu and Chen admit the allegations set forth in Paragraph "65" of the Complaint. Defendants 2875, Yu, 1160 and Cheng deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "65" of the Complaint.

66. Defendants May Kwan Si and Wang admit the allegations set forth in Paragraph "66" of the Complaint. Defendants Yu, 2875, Chu, Chen, 1160 and Cheng deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "66" of the Complaint.

67. Defendants May Kwan Si and Wang admit the allegations set forth in Paragraph "67" of the Complaint. Defendants Yu, 2875, Chu, Chen, 1160 and Cheng deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "67" of the Complaint.

68. Defendants May Kwan Si, Wang, Chu and Chen admit the allegations set forth in Paragraph "68" of the Complaint. Defendants Yu, 2875, 1160 and Cheng deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "68" of the Complaint.

69. Defendants May Kwan Si, Wang, Chu and Chen admit the allegations set forth in Paragraph "69" of the Complaint. Defendants Yu, 2875, 1160 and Cheng deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "69" of the Complaint.

70. Defendants May Kwan Si, Wang, Chu and Chen deny the allegations set forth in Paragraph "70" of the Complaint. Defendants Yu, 2875, 1160 and Cheng deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "70" of the Complaint.

71. No response is required to the allegations set forth in Paragraph "71" of the Complaint as they call for a legal conclusion.

72. No response is required to the allegations set forth in Paragraph "72" of the Complaint as they call for a legal conclusion.

73. No response is required to the allegations set forth in Paragraph "73" of the Complaint as they call for a legal conclusion.

74. No response is required to the allegations set forth in Paragraph "74" of the Complaint as they call for a legal conclusion.

"AS TO OLLIE'S 68th STREET DEFENDANTS"

75. Defendants 1160 and Wang admit the allegations set forth in Paragraph "75" of the Complaint. Defendants 2875, Yu, Chu, Chen, May Kwan Si and Cheng deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "75" of the Complaint.

76. Defendants 1160 and Wang deny the allegations set forth in Paragraph "76" of the Complaint. Defendants 2875, Yu, Chu, Chen, May Kwan Si and Cheng deny

knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "76" of the Complaint.

77. Defendants 1160, Wang and Cheng admit the allegations set forth in Paragraph "77" of the Complaint. Defendants 2875, May Kwan Si, Yu, Chu and Chen deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "77" of the Complaint.

78. Defendants 1160 and Wang admit the allegations set forth in Paragraph "78" of the Complaint. Defendants 2875, May Kwan Si, Yu, Chu, Cheng and Chen deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "78" of the Complaint.

79. Defendants 1160 and Wang admit the allegations set forth in Paragraph "79" of the Complaint. Defendants 2875, May Kwan Si, Yu, Chu, Cheng and Chen deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "79" of the Complaint.

80. Defendants 1160, Wang and Cheng admit the allegations set forth in Paragraph "80" of the Complaint. Defendants 2875, May Kwan Si, Yu, Chu and Chen deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "80" of the Complaint.

81. Defendants 1160, Wang and Cheng deny the allegations set forth in Paragraph "81" of the Complaint. Defendants 2875, May Kwan Si, Yu, Chu and Chen deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "81" of the Complaint.

82. Defendants 1160, Wang and Cheng deny the allegations set forth in Paragraph "82" of the Complaint. Defendants 2875, May Kwan Si, Yu, Chu and Chen deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "82" of the Complaint.

83. Defendants 1160, Wang and Cheng admit the allegations set forth in Paragraph "83" of the Complaint. Defendants 2875, May Kwan Si, Yu, Chu and Chen deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "83" of the Complaint.

84. No response is required to the allegations set forth in Paragraph "84" of the Complaint as they call for a legal conclusion.

85. No response is required to the allegations set forth in Paragraph "85" of the Complaint as they call for a legal conclusion.

86. No response is required to the allegations set forth in Paragraph "86" of the Complaint as they call for a legal conclusion.

87. No response is required to the allegations set forth in Paragraph "87" of the Complaint as they call for a legal conclusion.

88. No response is required to the allegations set forth in Paragraph "88" of the Complaint as they call for a legal conclusion.

"AS TO THE FACTS"

89. Represented Defendants deny the allegations set forth in Paragraph "89" of the Complaint except admit that Defendants 2875, May Kwan Si and 1160 have done business under the name Ollie's Noodle Shop & Grille.

90. Represented Defendants deny each and every allegation contained in Paragraph "90" of the Complaint except admit that Plaintiffs purport to collectively refer to various business entities as "Ollie's Noodle Shop & Grilles."

91. Represented Defendants admit the allegations set forth in Paragraph "91" of the Complaint.

92. No response is required to the allegations set forth in Paragraph "92" of the Complaint as they call for a legal conclusion.

93. Represented Defendants admit the allegations set forth in Paragraph "93" of the Complaint to the extent any Represented Defendant has knowledge of any Plaintiff.

94. Represented Defendants deny the allegations set forth in Paragraph "94" of the Complaint except admit that Servers serve food to customers eating on premises.

95. Represented Defendants deny the allegations set forth in Paragraph "95" of the Complaint except admit that Busboys assist Servers.

96. Represented Defendants deny the allegations set forth in Paragraph "96" of the Complaint except admit that Delivery Packers pack delivery orders.

97. Represented Defendants deny the allegations set forth in Paragraph "97" of the Complaint except admit that Delivery Persons deliver food to customers off premises.

98. No response is required to the allegations set forth in Paragraph "98" of the Complaint as they call for a legal conclusion.

"AS TO PLAINTIFFS' WAGES, HOURS AND WORKING CONDITIONS"

99. Represented Defendants deny the allegations set forth in Paragraph "99" of the Complaint to the extent any Represented Defendant has knowledge of any Plaintiff.

100. Represented Defendants deny the allegations set forth in Paragraph "100" of the Complaint to the extent any Represented Defendant has knowledge of any Plaintiff.

101. Represented Defendants deny the allegations set forth in Paragraph "101" of the Complaint to the extent any Represented Defendant has knowledge of any Plaintiff.

102. No response is required to the allegations set forth in Paragraph "102" of the Complaint as they call for a legal conclusion.

103. Represented Defendants deny the allegations set forth in Paragraph "103" of the Complaint to the extent any Represented Defendant has knowledge of any Plaintiff.

104. Represented Defendants deny the allegations set forth in Paragraph "104" of the Complaint to the extent any Represented Defendant has knowledge of any Plaintiff.

105. Represented Defendants deny the allegations set forth in Paragraph "105" of the Complaint to the extent any Represented Defendant has knowledge of any Plaintiff.

106. Represented Defendants deny the allegations set forth in Paragraph "106" of the Complaint to the extent any Represented Defendant has knowledge of any Plaintiff.

107. Represented Defendants deny the allegations set forth in Paragraph "107" of the Complaint to the extent any Represented Defendant has knowledge of any Plaintiff.

108. Represented Defendants deny the allegations set forth in Paragraph "108" of the Complaint to the extent any Represented Defendant has knowledge of any Plaintiff.

109. Represented Defendants deny the allegations set forth in Paragraph "109" of the Complaint to the extent any Represented Defendant has knowledge of any Plaintiff.

110. Represented Defendants deny the allegations set forth in Paragraph "110" of the Complaint to the extent any Represented Defendant has knowledge of any Plaintiff.

111. Represented Defendants deny the allegations set forth in Paragraph "111" of the Complaint to the extent any Represented Defendant has knowledge of any Plaintiff.

112. Represented Defendants deny the allegations set forth in Paragraph "112" of the Complaint to the extent any Represented Defendant has knowledge of any Plaintiff.

113. Represented Defendants deny the allegations set forth in Paragraph "113" of the Complaint to the extent any Represented Defendant has knowledge of any Plaintiff.

114. Represented Defendants deny the allegations set forth in Paragraph "114" of the Complaint to the extent any Represented Defendant has knowledge of any Plaintiff.

115. No response is required to the allegations set forth in Paragraph "115" of the Complaint as they call for a legal conclusion.

116. No response is required to the allegations set forth in Paragraph "116" of the Complaint as they call for a legal conclusion.

117. No response is required to the allegations set forth in Paragraph "117" of the Complaint as they call for a legal conclusion.

118. No response is required to the allegations set forth in Paragraph "118" of the Complaint as they call for a legal conclusion.

119. No response is required to the allegations set forth in Paragraph "119" of the Complaint as they call for a legal conclusion.

120. No response is required to the allegations set forth in Paragraph "120" of the Complaint as they call for a legal conclusion.

"AS TO DEDUCTIONS FOR MEALS, UNIFORMS AND EXPENSES"

121. Represented Defendants deny the allegations set forth in Paragraph "121" of the Complaint to the extent any Represented Defendant has knowledge of any Plaintiff.

122. Represented Defendants deny the allegations set forth in Paragraph "122" of the Complaint to the extent any Represented Defendant has knowledge of any Plaintiff.

123. Represented Defendants admit the allegations set forth in Paragraph "123" of the Complaint to the extent any Represented Defendant has knowledge of any Plaintiff who worked for 2875, 1160 or May Kwan Si as a server.

124. Represented Defendants admit the allegations set forth in Paragraph "124" of the Complaint to the extent any Represented Defendant has knowledge of any Plaintiff who worked for 2875, 1160 or May Kwan Si as a busboy.

125. No response is required to the allegations set forth in Paragraph '125" of the Complaint as they call for a legal conclusion.

126. Represented Defendants deny the allegations set forth in Paragraph "126" of the Complaint to the extent any Represented Defendant has knowledge of any Plaintiff who is a server or busboy.

127. Represented Defendants deny the allegations set forth in Paragraph "127" of the Complaint to the extent any Represented Defendant has knowledge of any Plaintiff who is a server or busboy.

128. Represented Defendants deny the allegations set forth in Paragraph "128" of the Complaint to the extent any Represented Defendant has knowledge of any Plaintiff who was a delivery person.

129. Represented Defendants deny the allegations set forth in Paragraph "129" of the Complaint to the extent any Represented Defendant has knowledge of any Plaintiff who was a delivery person.

130. Represented Defendants deny the allegations set forth in Paragraph "130" of the Complaint to the extent any Represented Defendant has knowledge of any Plaintiff who was a server or busboy.

"AS TO RETALIATION"

131. Represented Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegation in Paragraph "131" of the Complaint

132. Represented Defendants admit the allegations set forth in Paragraph "132" of the Complaint.

133. Represented Defendants deny the allegations set forth in Paragraph "133" of the Complaint.

134. Represented Defendants deny the allegations set forth in Paragraph "134" of the Complaint.

135. Represented Defendants deny the allegations set forth in Paragraph "135" of the Complaint.

"AS TO FAILURE TO POST THE NOTICES REQUIRED BY LAW"

136. Represented Defendants deny the allegations set forth in Paragraph "136" of the Complaint.

137. Represented Defendants deny the allegations set forth in Paragraph "137" of the Complaint.

138. Represented Defendants deny the allegations set forth in Paragraph "138" of the Complaint.

“AS TO CAUSES OF ACTION”

“AS TO COUNT I”

139. In response to Paragraph “139” of the Complaint, Represented Defendants repeat and reallege each and every one of their responses to Plaintiff’s allegations as set forth in Paragraphs “1” to “138” of the Complaint, inclusive, as if set forth herein in full.

140. Represented Defendants deny the allegations set forth in Paragraph “140” of the Complaint and refer the Court to the documents referenced in the Complaint.

141. No response is required to the allegations set forth in Paragraph “141” of the Complaint as they call for a legal conclusion.

142. No response is required to the allegations set forth in Paragraph “142” of the Complaint as they call for a legal conclusion.

143. No response is required to the allegations set forth in Paragraph “143” of the Complaint as they call for a legal conclusion.

144. No response is required to the allegations set forth in Paragraph “144” of the Complaint as they call for a legal conclusion.

145. No response is required to the allegations set forth in Paragraph “145” of the Complaint as they call for a legal conclusion.

146. No response is required to the allegations set forth in Paragraph “146” of the Complaint as they call for a legal conclusion.

147. Represented Defendants deny the allegations set forth in Paragraph “147” of the Complaint.

148. Represented Defendants deny the allegations set forth in Paragraph "148" of the Complaint.

"AS TO COUNT II"

149. In response to Paragraph "149" of the Complaint, Represented Defendants repeat and reallege each and every one of their responses to Plaintiffs' allegations as set forth in Paragraphs "1" to "148" of the Complaint, inclusive, as if set forth herein in full.

150. No response is required to the allegations set forth in Paragraph "150" of the Complaint as they call for a legal conclusion.

151. No response is required to the allegations set forth in Paragraph "151" of the Complaint as they call for a legal conclusion.

152. No response is required to the allegations set forth in Paragraph "152" of the Complaint as they call for a legal conclusion.

153. No response is required to the allegations set forth in Paragraph "153" of the Complaint as they call for a legal conclusion.

154. No response is required to the allegations set forth in Paragraph "154" of the Complaint as they call for a legal conclusion.

155. No response is required to the allegations set forth in Paragraph "155" of the Complaint as they call for a legal conclusion.

156. No response is required to the allegations set forth in Paragraph "156" of the Complaint as they call for a legal conclusion.

157. Represented Defendants deny the allegations set forth in Paragraph "157" of the Complaint.

“AS TO COUNT III”

158. In response to Paragraph “158” of the Complaint, Represented Defendants repeat and reallege each and every one of their responses to Plaintiffs’ allegations as set forth in Paragraphs “1” to “157” of the Complaint, inclusive, as if set forth herein in full.

159. Represented Defendants deny the allegations set forth in Paragraph “159” of the Complaint and refer the Court to documents referenced in the Complaint.

160. No response is required to the allegations set forth in Paragraph “160” of the Complaint as they call for a legal conclusion.

161. No response is required to the allegations set forth in Paragraph “161” of the Complaint as they call for a legal conclusion.

162. No response is required to the allegations set forth in Paragraph “162” of the Complaint as they call for a legal conclusion.

163. Represented Defendants deny the allegations set forth in Paragraph “163” of the Complaint.

164. Represented Defendants deny the allegations set forth in Paragraph “164” of the Complaint.

“AS TO COUNT IV”

165. In response to Paragraph “165” of the Complaint, Represented Defendants repeat and reallege each and every one of their responses to Plaintiffs’ allegations as set forth in Paragraphs “1” to “164” of the Complaint, inclusive, as if set forth herein in full.

166. No response is required to the allegations set forth in Paragraph "166" of the Complaint as they call for a legal conclusion.

167. Represented Defendants deny the allegations set forth in Paragraph "167" of the Complaint.

168. Represented Defendants deny the allegations set forth in Paragraph "168" of the Complaint.

"AS TO COUNT V"

169. In response to Paragraph "169" of the Complaint, Represented Defendants repeat and reallege each and every one of their responses to Plaintiffs' allegations as set forth in Paragraphs "1" to "168" of the Complaint, inclusive, as if set forth herein in full.

170. Represented Defendants deny the allegations set forth in Paragraph "170" of the Complaint.

171. Represented Defendants deny the allegations set forth in Paragraph "171" of the Complaint.

172. Represented Defendants deny the allegations set forth in Paragraph "172" of the Complaint.

173. Represented Defendants deny the allegations set forth in Paragraph "173" of the Complaint.

"AS TO COUNT VI"

174. In response to Paragraph "174" of the Complaint, Represented Defendants repeat and reallege each and every one of their responses to Plaintiffs'

allegations as set forth in Paragraphs "1" to "173" of the Complaint, inclusive, as if set forth herein in full.

175. No response is required to the allegations set forth in Paragraph "175" of the Complaint as they call for a legal conclusion.

176. Represented Defendants deny the allegations set forth in Paragraph "176" of the Complaint.

177. Represented Defendants deny the allegations set forth in Paragraph "177" of the Complaint.

178. Represented Defendants deny the allegations set forth in Paragraph "178" of the Complaint.

"AS TO COUNT VII"

179. In response to Paragraph "179" of the Complaint, Represented Defendants repeat and reallege each and every one of their responses to Plaintiffs' allegations as set forth in Paragraphs "1" to "178" of the Complaint, inclusive, as if set forth herein in full.

180. No response is required to the allegations set forth in Paragraph "180" of the Complaint as they call for a legal conclusion.

181. Represented Defendants admit the allegations set forth in Paragraph "181" of the Complaint to the extent any Represented Defendant has knowledge of any Plaintiff who is a server.

182. Represented Defendants admit the allegations set forth in Paragraph "182" of the Complaint to the extent any Represented Defendant has knowledge of any Plaintiff who is a busboy.

183. Represented Defendants deny the allegations set forth in Paragraph “183” of the Complaint.

184. Represented Defendants deny the allegations set forth in Paragraph “184” of the Complaint.

185. Represented Defendants deny the allegations set forth in Paragraph “185” of the Complaint.

186. Represented Defendants deny the allegations set forth in Paragraph “186” of the Complaint.

187. Represented Defendants deny the allegations set forth in Paragraph “187” of the Complaint.

“AS TO COUNT VIII”

188. In response to Paragraph “188” of the Complaint, Represented Defendants repeat and reallege each and every one of their responses to Plaintiffs’ allegations as set forth in Paragraphs “1” to “187” of the Complaint, inclusive, as if set forth herein in full.

189. No response is required to the allegations set forth in Paragraph “189” of the Complaint as they call for a legal conclusion.

190. Represented Defendants deny the allegations set forth in Paragraph “190” of the Complaint.

191. No response is required to the allegations set forth in Paragraph “191” of the Complaint as they call for a legal conclusion.

192. Represented Defendants deny the allegations set forth in Paragraph “192” of the Complaint.

“AS TO COUNT IX”

193. In response to Paragraph “193” of the Complaint, Represented Defendants repeat and reallege each and every one of their responses to Plaintiffs’ allegations as set forth in Paragraphs “1” to “192” of the Complaint, inclusive, as if set forth herein in full.

194. Represented Defendants deny the allegations set forth in Paragraph “194” of the Complaint.

195. Represented Defendants deny the allegations set forth in Paragraph “195” of the Complaint.

196. Represented Defendants deny the allegations set forth in Paragraph “196” of the Complaint.

197. Represented Defendants deny the allegations set forth in Paragraph “197” of the Complaint.

“AS TO COUNT X”

198. In response to Paragraph “198” of the Complaint, Represented Defendants repeat and reallege each and every one of their responses to Plaintiffs’ allegations as set forth in Paragraphs “1” to “197” of the Complaint, inclusive, as if set forth herein in full.

199. Represented Defendants deny the allegations set forth in Paragraph “199” of the Complaint.

200. Represented Defendants deny the allegations set forth in Paragraph “200” of the Complaint.

201. Represented Defendants deny the allegations set forth in Paragraph "201" of the Complaint.

"AS TO AND FOR AFFIRMATIVE AND OTHER DEFENSES"

"AS TO AND FOR A FIRST AFFIRMATIVE DEFENSE"

The Complaint, and each claim purported to be alleged therein, is barred in whole or in part, where Plaintiffs have or had unclean hands. Specifically, for example, as in the present case, unclean hands would be demonstrated where Plaintiffs requested and received extensive cash payments for wages during their employment to underreport their wages for tax purposes and for other purposes including, but not limited to, receiving public benefits such as Medicaid and housing for which they would not otherwise be eligible or qualified.

"AS TO AND FOR A SECOND AFFIRMATIVE DEFENSE"

The Complaint, and each claim purported to be alleged therein, fails to allege facts sufficient to state a claim upon which relief can be granted.

"AS TO AND FOR A THIRD AFFIRMATIVE DEFENSE"

The Complaint, and each claim purported to be alleged therein, is barred in whole or in part by the doctrine of waiver.

"AS TO AND FOR A FOURTH AFFIRMATIVE DEFENSE"

The Complaint, and each claim purported to be alleged therein, is barred in whole or in part by judicial, equitable, and/or collateral estoppel.

"AS TO AND FOR A FIFTH AFFIRMATIVE DEFENSE"

The Complaint, and each claim purported to be alleged therein, is barred in whole or in part by the doctrine of laches.

"AS AND FOR A SIXTH AFFIRMATIVE DEFENSE"

To the extent Plaintiffs have received other benefits and/or awards attributable to an injury for which they seek compensation in this case, such benefits and/or awards should offset, in whole or in part, any award they may receive here for the same injury.

"AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE"

Defendants have at all times acted in good faith and have had reasonable grounds for believing that their pay practices complied with federal and state law.

"AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE"

Plaintiffs' claims are barred, in whole or in part, by the applicable Statute of Limitations.

"AS AND FOR A NINTH AFFIRMATIVE DEFENSE"

The Complaint fails to state a claim upon which prejudgment interest may be granted.

"AS AND FOR A TENTH AFFIRMATIVE DEFENSE"

Plaintiffs' claims for liquidated damages are barred, in whole or in part, because any and all actions taken by Defendants were undertaken in good faith and with reasonable grounds for believing such actions were not in violation of Federal or New York law.

"AS AND FOR AN ELEVENTH AFFIRMATIVE DEFENSE"

At no time material hereto did any of the Defendants act in a willful, wanton, reckless, and/or malicious manner or with reckless disregard of either of the FLSA or New York Law.

"AS AND FOR A TWELFTH AFFIRMATIVE DEFENSE"

Plaintiffs' alleged injuries, sufferings and damages, if any, were caused by Plaintiffs' own acts, omissions or conduct.

"AS AND FOR A THIRTEENTH AFFIRMATIVE DEFENSE"

Plaintiffs' claims are barred in whole or in part by the provisions of Section 11 of the Portal-to-Portal Act, 29 U.S.C. §260, because any acts or omissions giving rise to this action were done in good faith and with reasonable grounds for believing that the actions or omissions were not a violation of the FLSA.

"AS AND FOR A FOURTEENTH AFFIRMATIVE DEFENSE"

Defendants hereby invoke the doctrine of waiver to bar the claims asserted by Plaintiffs to the extent the Department of Labor has already investigated and rendered a determination or otherwise resolved any prior claims.

"AS AND FOR A FIFTEENTH AFFIRMATIVE DEFENSE"

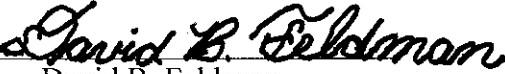
To the extent that discovery reveals that Plaintiffs previously received compensation for their alleged underpayments in connection with, or as a result of, a payment to the Defendants' employees supervised by the Department of Labor, Defendants hereby invoke the doctrine of waiver to bar the claims asserted by Plaintiffs.

WHEREFORE, Represented Defendants pray that the Court enter a judgment:

1. dismissing the Complaint with prejudice;
2. granting Represented Defendants their costs, including attorneys' fees, incurred in this action; and
3. granting such other and further relief as the Court may deem just and proper.

Dated: February 6, 2009
New York, New York

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